



DEPARTMENT OF COMMERCE

International Trade Administration

[A-533-875]

Fine Denier Polyester Staple Fiber from India: Preliminary Results of Antidumping Duty Administrative Review; 2019-2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: The Department of Commerce (Commerce) has preliminarily assigned Reliance Industries Limited (RIL), the sole respondent subject to this antidumping duty (AD) administrative review, an AD margin based upon the application of total adverse facts available (AFA). The period of review (POR) is July 1, 2019, through June 30, 2020.

DATES: Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Paola Aleman Ordaz, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4031.

SUPPLEMENTARY INFORMATION:

Background

On September 3, 2020, Commerce published in the *Federal Register* the notice of initiation of an AD administrative review of fine denier polyester staple fiber (fine denier PSF) from India, covering RIL.¹

On March 24, 2021, Commerce extended the deadline for issuing the preliminary results of this review from to April 2, 2021, to July 30, 2021.²

¹ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 54983 (September 3, 2020).

² See Memorandum, “Fine Denier Polyester Staple Fiber from India: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,” dated March 24, 2021.

For a complete description of the events that followed the initiation of this administrative review, *see* the Preliminary Decision Memorandum.³

Scope of the Order

The product covered by this review is fine denier polyester staple fiber from India. For a complete description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Adverse Facts Available

Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily assigned RIL an AD margin of 21.43 percent, as AFA, because it withheld information regarding its sales and cost reconciliations, affiliates, incorrectly reported its control numbers, and provided unreliable and unusable sales and cost databases. For details regarding this determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce preliminarily determines that the following estimated weighted-average dumping margin exists:

³ *See* Memorandum, "Decision Memorandum for the Preliminary Results of the 2019-2020 Antidumping Duty Administrative Review of Fine Denier Polyester Staple Fiber from India," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Exporter/Producer	Estimated Weighted-Average Dumping Margin (percent)	Cash Deposit Rate Adjusted for Subsidy Offset (percent)
Reliance Industries Limited	21.43	19.89

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.⁴ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.⁵ If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate equal to RIL's weighted-average dumping margin in the final results of this review to all entries of subject merchandise during the POR from RIL.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of fine denier PSF from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for RIL will be equal to the weighted-average dumping margin established in the final results of this review (except, if the weighted-average dumping margin is zero or *de minimis*, no cash deposit will be required); (2) for

⁴ See 19 CFR 351.212(b).

⁵ See section 751(a)(2)(C) of the Act.

merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established in the most recently completed segment of the proceeding for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 14.67 percent *ad valorem*, the all-others rate established in the less-than-fair-value investigation, adjusted for subsidy offsets.⁶ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure

Normally, Commerce discloses the calculations performed in connection with preliminary results to interested parties within five days after the date of public announcement or publication of this notice.⁷ Because Commerce preliminarily applied a rate based entirely on AFA in accordance with section 776 of the Act, to the only mandatory respondent in this review, there are no calculations to disclose.

Public Comment

Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of this notice, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the time limit for filing case briefs.⁸ Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit with each brief: (1) a statement of the issue, (2) a brief summary of the argument, and (3)

⁶ See *Fine Denier Polyester Staple Fiber from India: Final Affirmative Antidumping Determination of Sales at Less Than Fair Value*, 83 FR 24737 (May 30, 2018).

⁷ See 19 CFR 351.224(b).

⁸ See 19 CFR 351.309(d)(1); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

a table of authorities.⁹ Executive summaries should be limited to five pages total, including footnotes.¹⁰ Case and rebuttal briefs should be filed using ACCESS.¹¹ Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information.¹²

Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of the publication of this notice in the *Federal Register*. If a hearing is requested, Commerce will notify interested parties of the hearing date and time. Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS within 30 days after the date of publication of this notice. Requests should contain: (1) the party's name, address, and telephone number; (2) the number of hearing participants; and (3) a list of the issues to be discussed in the hearing. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.

Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the *Federal Register*, unless otherwise extended.¹³

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

⁹ See 19 CFR 351.309(c)(2) and (d)(2).

¹⁰ *Id.*

¹¹ See 19 CFR 351.303.

¹² See *Temporary Rule*.

¹³ See section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(h)(1).

Dated: July 16, 2021.

Christian Marsh,
Acting Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Application of Facts Available and Use of Adverse Inferences
- V. Recommendation

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